

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DISTRICT**

MICHAEL GONIDAKIS, ET AL.	:	CASE NO. 2:22-CV-773
	:	
PLAINTIFFS	:	CHIEF JUDGE ALGENON L.
	:	MARBLEY
	:	
VS.	:	
	:	CIRCUIT JUDGE AMUL R.
FRANK LAROSE,	:	THAPAR
	:	
DEFENDANTS.	:	JUDGE BENJAMIN J. BEATON

NOTICE OF SUPPLEMENTAL AUTHORITY

Intervenor Plaintiffs, the Honorable Reverend Kenneth L. Simon, the Honorable Reverend Lewis W. Macklin, II and Helen Youngblood (hereinafter “the Simon Parties”) respectfully hereby give notice of supplemental authority that bears directly on the Simon Parties’ pending motion to stay this Court’s May 12, 2022 Order, ECF Docket #201, denying the Simon Parties’ motion to enjoin certification of any and all election results, primary or general, for the Ohio General Assembly, conducted under Map 3 of the Reapportionment of the Ohio General Assembly, including the August 2, 2022 Primary Election.

The supplemental authority is the August 19, 2022 Order of the United States Supreme Court in Case No. 22A136, 597 U. S. _____, *Rose, Richard, et al. v. Ratnensberger, Secretary of State of Ga.*, (See, Ex. A). This Authority states that a motion to stay pending appeal of an election dispute arising under the Voting Rights act, 52 U.S.C. §10301(a)-(b) should be analyzed in accordance with traditional equitable principles versus the *Purcell* principle, set forth in *Purcell v. Gonzalez*, 549 U.S. 1(2006), where, as here, sufficient time remains to enable effectual relief in relation to the November election.

Although the *Rose* case, unlike the Simon claim, arose in connection with a challenge to an at-large electoral system in a State with a run off and majority vote requirement, while the Simon claim is a nomination claim in a state with neither a majority vote nor run off requirement, the Supreme Court finding that *Purcell* is not the proper analytical framework for resolution of a motion to stay, should be heeded in connection with resolution of the Simon Parties' pending motion to stay because relief can be accorded to Simon without any disruption to the upcoming November election.

This Honorable Court has not yet ruled on the Simon Parties' motion to stay (ECF Docket #207) or to alter or amend (ECF Docket #202).

/s/ Percy Squire
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by operation of the United States District Court, Southern District of Ohio electronic filing system, on August 22, 2022.

s/Percy Squire, Esq.
Percy Squire (0022010)
Attorney for Simon Party Plaintiffs